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2 UNITED STATES DISTRICT COURT  
3 WESTERN DISTRICT OF WASHINGTON  
4 AT TACOMA

5 JOHN A. RICHARDSON III,

6 Plaintiff,

7 v.

8 MARGARET GILBERT,

9 Defendant.

CASE NO. C19-5525 BHS

ORDER DECLINING TO ADOPT  
REPORT AND  
RECOMMENDATION AND RE-  
REFERRING CASE TO  
MAGISTRATE JUDGE

10 This matter comes before the Court on the Report and Recommendation ("R&R")  
11 of the Honorable Theresa L. Fricke, United States Magistrate Judge. Dkt. 8. The Court  
12 having considered the R&R, Plaintiff's objections, and the remaining record does hereby  
13 find and order as follows:

- 14 (1) The R&R recommending dismissal of the complaint is **DECLINED as**  
15 **moot** in light of Plaintiff's filing of a proper *in forma pauperis application*;
- 16 (2) The matter is re-referred to the Honorable Teresa L. Fricke for further  
17 proceedings.

18 Dated this 2nd day of December, 2019.

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21 BENJAMIN H. SETTLE  
22 United States District Judge